

#62
FAX

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Total Number of Pages: 7

To: U.S. Patent and Trademark Office
Attention: Examiner Maryam Monshipouri

Fax / Phone:
703-746-5256 / 703-308-1083

From: Valerie J. Foran, Paralegal
617-526-5138

cc: Shann Kerner, Ph.D.
Gretchen Rice, Ph.D.

Date: May 12, 2003

Re: U.S. Application No. 09/659,737
GENES AND POLYNUCLEOTIDES ASSOCIATED WITH ULTRAVIOLET
RADIATION-MEDIATED SKIN DAMAGE AND USES THEREOF
Our Refs: 71369.172 and PFI-024US

Note: As discussed in our telephone conference earlier this afternoon, the correspondence address in the PAIR system is incorrect and therefore PTO correspondence has been mailed to the wrong address. The correct correspondence address is:

Ann-Louise Kerner, Ph.D. (aka Shann Kerner, Ph.D.)
Hale and Dorr LLP
60 State Street
Boston, MA 02109

As proof of the correct correspondence address, attached please find a copy of the executed Declaration & Power of Attorney (filed on January 31, 2002) and a copy of the Request for Confirmation of Correspondence Address and Request for Change of Correspondence Address Where Applicable (filed on April 29, 2003).

Please fax us a copy of the Restriction Requirement (mailed September 10, 2002) and the Office Action (mailed January 2, 2003) for this application and confirm that the correspondence address has been corrected.

We look forward to hearing from you.

This facsimile transmission is confidential and may be privileged. If you are not the intended recipient, please immediately call the sender or, if the sender is not available, call 617-526-6000, and destroy all copies of this transmission. If the transmission is incomplete or illegible, please call the sender or, if the sender is not available, call 617-526-6000. Thank you.

Client Matter Number: 71369.172
Return To: 2981

Transmitted by: _____

BOSTON 1661574V1

Received from < > at 5/12/03 3:41:35 PM [Eastern Daylight Time]

DECLARATION AND POWER OF ATTORNEY
(Attorney Docket Nos: 71369.172 and PFI-024US)

As below-named inventors, We hereby declare that:

Our residences, post office addresses and citizenship are as stated below next to our names.

We believe that we are the original, and only inventors of the subject matter which is claimed and for which a patent is sought on the invention entitled:

GENES AND POLYNUCLEOTIDES ASSOCIATED WITH ULTRAVIOLET RADIATION-MEDIATED SKIN DAMAGE AND USES THEREOF

the specification of which (check only one):

☐ is attached hereto.

☒ was filed as United States Patent Application
Serial No. 09/659,737
on September 11, 2000
and was amended on _____
(if applicable)

☐ was filed as PCT Patent Application
Serial No. _____
on _____
and was amended under PCT Article 19
on _____
(if applicable)

We hereby state that we have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

We acknowledge the duty to disclose information which is material to the patentability of the claims of this application in accordance with Title 37, CFR §1.56(a) and §1.56(b). We also acknowledge the duty to disclose all information which is material to the patentability as defined in 37 CFR §1.56, which became available between the filing date of the prior application and the national or PCT international filing date of the continuation-in-part application.

We hereby claim foreign priority benefits under Title 35, United States Code, §119(a)-(d) or 365(b) of any foreign application(s) for patent or inventor's certificate or 365(a) of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application(s) for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by us on the same subject matter having a filing date before that of the application(s) of which priority is claimed:

**PRIOR FOREIGN/PCT APPLICATION(S) AND ANY PRIORITY CLAIMS
UNDER 35 U.S.C. §119(a)-(d) or 365(b), or 365(a):**

COUNTRY (if PCT indicate PCT)	APPLICATION NUMBER	DATE OF FILING	PRIORITY CLAIMED UNDER 35 U.S.C. §119 (YES/NO)

We hereby claim benefit under 35 U.S.C. §119(e) of any United States provisional application(s) listed below:

Application Number(s)	Filing Date (MM/DD/YYYY)	Additional provisional application numbers are listed on a supplemental priority data sheet PTO/SF/02B attached hereto.
60/155,029	September 11, 2000	

We hereby claim the benefit under Title 35, United States Code, §120 of any United States application(s) or 365(c) of any PCT international application(s) designating the United States of America that is/are listed below and, insofar as the subject matter of each of the claims of this application is not disclosed in that/those prior application(s) in the manner provided by the first paragraph of Title 35, United States Code, §112, we acknowledge the duty to disclose material information as defined in Title 37, Code of Federal Regulations, §1.56 which occurred between the filing date of the prior applications and the national or PCT international filing date of this application:

**PRIOR U.S. APPLICATION OR PCT INTERNATIONAL APPLICATION(S)
DESIGNATING THE U.S. FOR BENEFIT UNDER 35 U.S.C. §120 or 365(c):**

APPLICATION NUMBER	DATE OF FILING	STATUS: (PATENTED, PENDING OR ABANDONED)

POWER OF ATTORNEY: As named inventors, We hereby appoint the following attorneys and/or agents to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

James B. Lampert	Reg. No. 24,564
Wayne M. Kennard	Reg. No. 30,271
Michael J. Bevilacqua	Reg. No. 31,091
Holly L. Baker	Reg. No. 31,321
Henry N. Wixon	Reg. No. 32,073
Donald R. Steinberg	Reg. No. 37,241
Wayne A. Kcown, Ph.D.	Reg. No. 33,923
Ann-Louise Kerner, Ph.D.	Reg. No. 33,523
Michael A. Dicner	Reg. No. 31,122
Colleen Superko	Reg. No. 39,850
Richard A. Goldenberg	Reg. No. 38,895
Peter M. Dichiera	Reg. No. 38,005
Barbara A. Barakat	Reg. No. 32,190

Jason A. Reyes	Reg. No. 41,513
Rajesh Vallabh	Reg. No. 35,761
Nancy Chiu, Ph.D.	Reg. No. 43,545
Keum J. Park	Reg. No. 42,059
Janice M. Klunder, Ph.D.	Reg. No. 41,121
Sally Byrne	Reg. No. 40,545
Ayla A. Lari	Reg. No. 43,739
Robert McIsaac, Ph.D.	Reg. No. 46,918
Gretchen A. Rice, Ph.D.	Reg. No. 37,429
Keum J. Park	Reg. No. 42,059
Gary A. Walpert	Reg. No. 26,098
Michael J. Twomey	Reg. No. 38,349
MaryRose Scozzafava	Reg. No. 36,268
Wendy A. Haller	Reg. No. 35,177

the mailing address and telephone number of each of whom is HALE AND DORR, 60 State Street, Boston, Massachusetts 02109, (617) 526-6000.

Send Correspondence to:
Ann-Louise Kerner, Ph.D.

Direct Telephone Calls to:
Ann-Louise Kerner, Ph.D.

HALE AND DORR LLP
60 State Street
Boston, Massachusetts 02109

(617) 526-6000
(617) 526-5000

Wherefore we petition that letters patent be granted to us for the invention or discovery described and claimed in the attached specification and claims, and hereby subscribe our names to said specification and claims and to the foregoing declaration, power of attorney, and this petition.

We hereby declare that all statements made herein of our own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

Full name of first inventor: **Miroslav Blumenberg**

Inventor's signature *M Blumenberg* Date 5/25/02
Residence: 100 Bleeker Street, #24B, New York, NY 10012
Citizenship: United States
Post Office Address: same as residence

Full name of second inventor: **Alix M. Gazel**

Inventor's signature

A. Gazel

Date 25/01/02

Residence: 21 Place de la Republique, Leucate 11370 France

Citizenship: France

Post Office Address: same as residence

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

CERTIFICATE OF FIRST CLASS MAILING UNDER 37 CFR §1.8 (a)

I hereby certify that this correspondence is being deposited with the United States Postal Service with sufficient postage as First Class Mail in an envelope addressed to: Assistant Commissioner for Patents, Box CN, Washington, DC 20231 on the date indicated below.

Date: 4/29/2003

Kimm Mangeri
Kimm Mangeri

Assistant Commissioner for Patents
Box CN
Washington, DC 20231.

REQUEST FOR CONFIRMATION OF CORRESPONDENCE ADDRESS AND REQUEST FOR CHANGE OF CORRESPONDENCE ADDRESS WHERE APPLICABLE

Dear Sir:

It has come to our attention that the correspondence address has been erroneously changed for some of the following patents and patent applications. We would like to change the correspondence address where necessary:

<u>Application No./Patent No.</u>	<u>Attorney Docket No.</u>
09/875,318	71369.186US2
09/947,870	71369.211US2
09/948,020	71369.218US2
10/137,632	71369.298US2
09/827,428	71369.162US3
09/659,737	71369.172US2
5,756,094	71369.172US1
5,556,783	71369.190
09/943,075	71369.262US2
10/178,832	71369.304US2
60/412,536	71369.321US2

All correspondence for these matters should be sent to:

CUSTOMER NUMBER: 23483

Shann Kerner, Ph.D.
Hale and Dorr LLP
60 State Street
Boston, MA 02109

No fees are believed to be due in connection with this matter. However, please charge any fees that might be due to Deposit Account No. 08-0219.

BOSTON 1652134v1

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Respectfully submitted,

Date: 4/29/03
HALE AND DORR LLP
60 State Street
Boston, MA 02109
(617) 526-6000
(617) 526-5000 (Facsimile)

Ann-Louise Kerner
Ann-Louise Kerner, Reg. No. 33,523
Attorney/Agent for Applicants

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